



MEETING MINUTES

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: The First,
Second, and Third Tuesday of
each month

Regular Meeting

County Courthouse,
Bridgeport, CA 93517

July 1, 2008

9:00 AM Meeting Called to Order by Chairman Supervisor Vikki Bauer

Pledge of Allegiance led by Supervisor Byng Hunt

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke

BOARD MEMBER REPORTS

Hap Hazard: Verizon meeting re fiber-optic cable – project has been on and off since 90's and comes through communities of Swall and Crowley – these communities want to be connected to provide better phone and internet systems – Verizon states that this is a system that is designed to go from beginning to end with no split outs. Community wants to know why they can't design it so that it can be split – also why cables do not go underground; at this meeting there were 9 top managers from Verizon – both communications and wireless service; very likely this issue will move up into the community of Mammoth Lakes; Met with Wolford and Toomey on subdivision – several problems – potential flood plane but not defined – having problems that language on final map that indicates that they are in flood plane – lenders will not finance. Could result in amendment to map; Retirement party for four employees from Health Department; Radio interview with KMMT discussing Wilderness issues; Chalfant park master planning group – school district(s) are interested in sharing use (possibilities for baseball diamonds, soccer fields, pre-school programs) school indicated they would provide school transportation; Darrel Erickson meeting re his three lots; issue with Crowley Lake Community Center – situation where baptism on Saturday night resulted in call to sheriff re noise – Sunday morning call re mess in community center – bodily fluids in and around center, broken door, trash everywhere, etc. ultimately CAO and Hazard walked property and got cleaning crew in to clean but still some repairs still to be done – costs will need to be discussed as to \$100 deposit – is it enough? New industrial complex– very nice project. Developer out of Chalfant was asked to be part of affordable housing team – presently employing "reverse mortgage" for seniors. New homes at "0" costs to seniors

Reid: Bridgeport RPAC meeting – main topic RPAC is looking for Visitors Center – short term looking at old Seniors Center on back street; Memorial Service for Phil Cochran, Jr. in Walker. Went to Lee Vining to Yosemite Gateway Partnership meeting; draft plan for Tuolumne River plan some irregularities re Mono County ; Met with Bob Haueter from McKeon's office re WSA issues; Economy in North county is pretty bad; mining could improve economy and it could be done in an environmentally safe way went to Montana to Dillon – daughter had 130 mile bike race fund raiser for children's cancer camp; fund raiser for college golf team in Montana – were invited to this. Seniors are very concerned about the discontinuing "dial a ride" service. Bauer states that it will not be discontinued just some changes. There is some money in reserved fund of ESTA – maybe could be used. Bauer states New director is examining routes and where overlapping is refining routes and it is actually doubled ridership and income.

Farnetti: Town/County Liaison Meeting, update on Air Service – Hawaiian Air will provide service; Verizon fiber optic report; property taxes roll extension; Eastern Sierra Transit and some cuts in service; Future discussions – status on stocking program; email from Tom Bohigian keeping us informed on items being addressed on Wilderness Bill – Ag community will have another meeting in Tri Valley area regarding several issues; Inyo Register editorial re Wilderness issue; Call from Steven Callish – issues with Verizon – wanted to speak with Farnetti and he did – has many issues Board will never be able to address but some things he wants is high-speed internet access and wants cables underground – wants cable placed on Forest Service land where possible, wants to avoid Avalanche areas; Farnetti is concerned with providing this service to his own district. No state budget yet – will be interesting to see how they meet payment demands. Mammoth Lakes 50th Annual Motorcross – community came alive – it was a shot in the arm for community – everything did well – town is booked for 4th of July and then comes the Jazz Festival – its been slow and dead and these activities have generated activity and optimism in town.

Hunt: Town/Liaison meeting – air service is 95% positive on target; future discussions Southern Mono Recreational District; Town is in dire straits re budget; Combined Mental Health and Alcohol Advisory meeting – Mental Health Services Actgained \$82,000 for programs; principal Yost has been very unreceptive re uses suggested for monies and wants to be given funds to apply them as he sees fit; Hunt and wife did "experience Yosemite" program. Done monthly during summer and early fall; very disappointed with Inyo County hearings - entered Tennis Tournament. Yosemite Park is proud of YARTS – ridership is up and park contribution has been bumped to \$300,000 from \$250,000

Bauer: Between death in family, graduation, son turned 18, Wilderness Issues has been a very busy and stressful 30 days; Western Interstate Region in St. George; Can we gain Cooperative Agency status – County Counsel will check; Public Lands issues – several bills re PILT – Mono will come out OK but schools will not do real well; Wilderness resolutions on bills that had no county input – visited Cox and Berryhill in Sacramento; Hwy user tax problem will happen in September; Grant Lake marina is closing – water is too low; campground is still open – DWP keeps water in high country and does not release; ESTA issues – Mountain Express did not work – ridership very low – looking for alternatives for these routes – maybe provide Vans and abandon fixed routes; ESTA – all buses look different and there is no sense to the ESTA design – need options as to bus colors, logos and signs so that ESTA is recognizable and is understandable to people; ESTA and Mammoth enter into planning process with County – put on agenda for County to enter into planning re transit issues. CPT subcommittee – had transportation people in meeting – Boxer is head of Transportation Committee at Federal level – are working on transportation programs on public lands.

COUNTY ADMINISTRATIVE OFFICE

1)

CAO Report regarding Board Assignments (David Wilbrecht)

RECOMMENDED ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

Received notice today that event is scheduled for July 5 in June Lake –Staff has no ability to waive fees and if group requires a permit they should expect a fee; working with all departments re budgets- big policy items will be coming to Board early rather later; status meetings with departments; Inyo-Mono title has been asked to leave the Clerk's office and we have given them until mid-July to move; they will need Cen-trex system; meeting with Assessor regularly; Eastern Sierra Avalanche committee – do we want to change and participate in changes in notification process to include back-country, truck drivers, etc. HazMat in county – does county want to participate in \$400,000 vehicle for HazMat? Will be a policy item. Board approved Tom Wallace as Assistant CAO – he is doing a lot of things and he is really helping out – Mary Booher has come along with him and she has been able to be placed in the Finance portion of Public Works Department and she is really filling a gap; Adjourned meeting at Crowley Lake needs some agenda items.. Continuing to meet with IMMMA and next week will have a frank discussion on where everyone is coming from; waiver of fees and issue of insurance on permitted events and non-profit organizations. Looking at customer service issues – each department has their way of doing things – tracking complaints – how does complaint get resolved and what part does Board play in this and how does each department deal with this; would like a picture taken in front of Courthouse today.

Hunt states that gas prices are still going up and what is the progress on video conferencing? CAO reports that technology has been approved and is being moved forward at this time. The ability to video conferencing is moving forward and will be high-speed eventually and will be fully integrated in approximately 3 months – all new equipment that has been approved by Board. Waiting for T3 lines.

Board wants to do test on their microphones and how to adjust voices to be clear and concise.

Reid asks about \$100 deposit on community centers – can incident in Crowley Lake result in bill to people who used it over the \$100? CAO states that they are pursuing this at this time. This should be included in permit fee discussion and fees for Community Center rental fee. Fees, uses, hours, sound etc. should be discussed.

2)

APPROVAL OF MINUTES

M08-132

Minutes of the regular meeting of June 10, 2008 **Hazard/Hunt 5-0**

David Wilbrecht CAO reports on new microphones at each Board Members seat; how to turn on and off. Future recording system and box with connectors that will eventually be installed.

Enter Closed Session: 9:05 a.m.

CLOSED SESSION

COUNTY COUNSEL

Additional Departments: Finance

- 3a) Conference with Legal Counsel - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: unknown.
- 3b) Conference with Legal Counsel - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Facts and circumstances: Claim for damages presented on or about June 4, 2008, by Ricardo Covarrubias.

Exit Closed Session: 9:50 a.m.

Recess: 9:50 a.m. – 9:55 a.m.

Reconvene: Nothing to Report from Closed Session.

DEPARTMENT REPORTS/EMERGING ISSUES

Lynda Roberts County Recorder. RE number of properties going into foreclosure (period sampled was January 1 through June 30 of both 2007 and 2008) Notice of Default 2007 was **41** in 2008 – **64**. Notice of Trustee Sales – 2007 was **14** 2008 was **36** ; Notice of Recission in 2007 was **22** 2008 was **14**; will make this report every few months.

Ed Zylman – re shelters; moving forward on new sheltering opportunities; new shelter team for Swall Meadows area; have access to Inyo facilities now; request from couple in Oasis what would happen in disaster – dropped off contracts to restaurant etc. Have one of the trailers available today for the Board to look at which has all emergency items to provide shelter in disaster – have 106 shelter volunteers in County. Acting as Red Cross. Give credit to Walker Women's club and June Lake Women's club who have adopted trailers and made updates inside.

Jody Henning – Assessor – running roll during week of July 21st; staff working very hard to get backlog finished; call into Hanson re appraisal of MMSA – will meet with him to discuss values; contacted with Bret Price (Attorney for Assessor) to be at meeting with MMSA; will get together with Price re upcoming appeals; should have better idea of backlog after roll;

Bob Musil – Assistant Assessor re lost revenue – working through new construction at Mammoth Mountain – identified \$420,150 in lost revenue and the number will go higher –

Sheriff Rick Scholl: update – lots of projects – working with fire and police re Bridgeport 4th of July and Crowley Lake Fireworks event; full staffing on 4th – fire in a concern this year. Trying to stay ahead of things by meeting with fire chiefs, etc. Are at full staff except for one jailer. Dealing with issue that happened at Crowley Lake Community Center; Will have joint meeting with new commander of Highway Patrol - having discussions with Dept. of Water and Power re boating program to determine if they can assist with funding; Presentation re ATV safety in Walker is proceeding.

Kelly Garcia Public Works: update on paving of June Lake Rd. aprons paved; finishing up shoulder backing new – striping and putting up signs soon - Been approached by Jeff Gordon who is working with Adm. Office of Courts re installing security cameras in courthouse – they will be installed in hallways, exterior, clerk's office, courtroom, etc. Could be opportunity to work with this company to have security cameras in the Boardroom if the Board desires. Paving for Lee Vining Community Center – on schedule. RCRC road fund money – bond money will be funded – 1b moneis – Public Works will follow up and determine if this will assist us and how much. ESUDS status on ball diamonds – contract with Public Works. Project manager overseeing parks and facilities crews Joe Blanchard.

Evan Nikirk Public Works: Prop 1b – Garret pulled together all necessary paperwork and got it in on time – expect funding; Prop 42 funding is expected this year which will make Public Works “whole” this year. Personnel activity – interviews for So. County mechanics – offer will be made today; custodian vacancy filled off list. Transfers have taken place in road crew/landfills; road district personnel – two of three have been returned to their permanent stations. Will be discussions re personnel and staffing in road department at budget time. Snow removal equipment, etc. discussions on equipment will be brought to board soon.

CONSENT AGENDA

Hunt/Hazard 5-0

FINANCE

- 4a) Destruction of County Deposit Receipts - Request for authorization to destroy County deposit receipts which are over five years old.
- M08-133 **Action:** Authorize the Director of Finance to destroy County deposit receipts which are more than five years old.
Hunt/Hazard 5-0

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

- 5a) Letter from Bruce A. McDonough, Jr. - Letter from Bruce A. McDonough, Jr., to the Mono County Board of Supervisors regarding Mono County District Attorney, George Booth.
- 5b) discussed Mono County Fisheries Commission - Letter from Charles A. "Skip" Baker, Chair, Mono County Fisheries Commission, to Mono County Board of Supervisors, regarding support for Antelope Valley's request for an earlier fishing opener date.
Supervisor Reid wants to agendize this matter this month for discussion. Also contact Fish and Game for inclusion in this discussion.

PUBLIC WORKS

Discussion.

Allen Berry assistant County Counsel: energy conservation contracts do not have to go to bid in this situation; public hearing must be held and certain findings made. Cost of improvements will be paid for with savings in costs of energy as a result of these improvements.

- 6a) PUBLIC HEARING: Energy Services Contract with Aircon Energy, Inc. (**Kelly Garcia**) - 1. Conduct public hearing regarding potential energy cost savings to County that would result from proposed improvements to various County facilities constructed pursuant to an Energy Services Contract with Aircon Energy, Inc. 2. Receive staff report. 3. Consider and potentially approve and authorize the Chairman's signature on Resolution No. 08-37 "A Resolution of the Mono County Board of Supervisors Making Findings in Accordance with Government Code Section 4217.12 and Approving An Energy Services Contract With Aircon Energy, Inc., for Energy-Related Improvements to County Facilities. 4. Provide any desired direction to staff.
Open Public Hearing: 10:50 a.m.
Supervisor Bauer asks if Greenhouse Gas issues have been reported to planning. Farnetti comments that

these things are needed but why not doing it during Budget Process? Response is that it would be included in budget but since there is a delay in acquiring equipment and in order to accomplish before winter it is being moved forward; County may request proposals from others if they choose to but it is not required.

Public Hearing Closed: 10:55 a.m.

R08-37 **Action:** Adopt proposed resolution.

Hazard/Hunt 5-0

6b) Award of Contract for Lee Vining Community Center Paving (**Kelly Garcia**) - Consider and potentially approve County entry into proposed contract with the lowest responsible bidder pertaining to paving at the Lee Vining Community Center, and authorize the Director of Public Works to execute said contract on behalf of the County. Receive staff report. Provide any desired direction to staff.

M08-134 **Action:** Receive staff report on project and bids received in response to solicitation of bids; award contract for paving work to **Qualcon Construction**, who has submitted the low bid, in an amount not to exceed \$58,705 authorize the Director of Public Works, in consultation with County Counsel, to administer that contract, including authorization to make minor adjustments to said contract from time to time as the Director may deem necessary, provided such amendments comply with the Public Contract Code, do not substantially alter the scope of work or budget, and are approved as to form and legality by County Counsel.

Reid/Farnetti 5-0

6c) Award of Contract for Sierra Center Mall Tenant Improvements (**Kelly Garcia**) - Consider and potentially approve County entry into contract with the lowest responsible bidder pertaining to tenant improvements at the Sierra Center Mall, and authorize the Director of Public Works to execute said contract on behalf of the County. Receive staff report. Provide any desired direction to staff.
75 working day contract – starting 2 weeks from today.

M08-135 **Action:** Based on staff report concerning bids received in response to solicitation for bids, bid protests received (if any), and responsibility of the apparent low bidder: 1) identify **Neubauer-Jennison, Inc.** as responsible bidder submitting the lowest bid; 2) award contract **Newbauer-Jennison, Inc.** for tenant improvements to Sierra Center Mall, in an amount not to exceed **\$665,615.00**; 3) authorize the Director of Public Works, in consultation with County Counsel, to administer that contract, including authority to make minor adjustments to said contract from time to time as the Director of Public Works may deem necessary, provided such amendments comply with the Public Contract Code, do not substantially alter the scope of work or budget, and are approved as to form and legality by County Counsel.

Farnetti/Hunt 5-0

- 6d) Final Approvals for Parcel Map 31-96, Medina (**Evan Nikirk**) - Receive staff report regarding approval of Parcel Map 31-96, which will subdivide a 18.93-acre parcel (APN 02-460-20) into three lots on Burcham Flat Road in the community of Walker. Consider and potentially adopt Resolution accepting an offer of dedication, approve subdivision improvement agreement, and/or take such other action, if any, as the Board deems appropriate. Provide any desired direction to staff.
- R08-38 **Action:** 1. Adopt Resolution No. R08-38, "A Resolution of the Mono County Board of Supervisors Accepting an Offer of Dedication for that Portion of Burcham Flat Road Residing Within Parcel Map 31-96." 2. Approve and authorize the Public Works Director (in consultation with County Counsel) to execute a subdivision improvement agreement between the County of Mono and Sandra Medina for completion of improvements associated with Parcel Map 31-96. 3 Direct and authorize the Public Works Director to file and record the above subdivision improvement agreement and a Notice of Development Conditions on Property for the project in the office of the County Recorder. 4 Provide any desired direction to staff.
- M08-136 **Reid/Hazard 5-0**

Break: 11:15 a.m. Reconvene: 11:30 a.m.

- 6e) Solid Waste Fee Appeal - Erickson (**Evan Nikirk and Steve Anderson**) - Conduct continued hearing regarding an appeal filed by Darrel Erickson for solid waste fees assessed on his property (APNs 26-282-06, -10, & -11) in the community of Chalfant. Receive presentation by Public Works and response by Mr. Erickson, if any, regarding same.
- Comments by Steve Anderson.
Mr. Erickson: has requested \$0 fees for the two lots that he does not live on.
Comments by Supervisors:
Hazard: wants to find what is fair for citizen. Has toured properties with Mr. Erickson; Have discovered other problems while exploring this issue. Property #16 contains private residence and workshop area – feels it is an occupied residence – county does not have ability to monitor coming and going of resident and if resident has access to home and it has furniture, etc. in it then it is occupied and should have \$60 fee applied; next on same property is warehouse – which would boost fee to \$120- will trust lot owner that he is not working in this warehouse. Waive industrial use fee and keep \$60 fee; Lot #48 –clearly not occupied and has not been occupied but incredible amount of storage/rubble on property – should be assessed at Warehouse rate of \$120; Lot 64 – house that is being remodeled, not a storage facility, but a lot of rubble laying around this building but \$15 fee should be assessed on this lot. All the stuff laying around these properties is eventually going to have to be removed and placed in landfill. Hazard comments on community – lot of progress in this area – lots of change since 2005. These properties are in direct contrast with other lots in area and eventually Erickson will be dealing with Code Enforcement. Total Fees should be \$195 total for all three lots.
Farnetti: What about the fact that this issue has not been resolved for three years. Agrees with Hazard recommendation but feels that the three years that Erickson has been dealing with this is a fairness issue. Wants to see this area cleaned up in a timely manner. Cannot link cleaning up property with Solid Waste fees. Code Compliance will be notified.
Reid: owner is now paying \$300 per year and has been paying for last two years. Questions as whether or not Erickson has provisional use permit for industrial use on these properties.
Hazard: re three year issue - do not refund monies on any property except #64 Virginia for the past two years (APN 26-282-11)

- M08-137 **Action:** Assess annual fees on property owned by Mr. Erickson as follows:
Re APN26-282-06 @16 Virginia Avenue, Chalfant Valley: Fees \$60.00
Re APN26-282-10 @48 Virginia Avenue, Chalfant Valley: Fees \$120.00
Re APN26-282-11 @64 Virginia Avenue, Chalfant Valley: Fees \$15.00
Regarding the issue of reimbursement of past fees, research actual taxes paid for the past 2 or 3 years (whichever is applicable) and give no refund of fees paid on Lots 16 or 48 but refund monies actually paid on Lot 64 minus \$15.00 per year.

Hazard/Farnetti 5-0

Lunch recess 12:15 p.m.
Reconvene: 1:15 p.m.

FINANCE

- 7a) Out-of-State Training (**Brian Muir**) - Request for travel by Kimberly Bunn to attend Government Finance Officers' Association (GFOA) training in Chicago, Illinois.
- M08-138 **Action:** Approve out-of-state travel by Kimberly Bunn to Chicago, Illinois to attend GFOA training
Reid/Farnetti 5-0
- 7b) District Request for Five-Year Audit (**Brian Muir**) - Request from Paradise Fire Protection District to Replace the Required Annual Audit with an Audit Covering a Five-Year Period
- M08-139 **Action:** Approve a five-year audit period for the Paradise Fire Protection District with provision that if they submit a budget over \$50,000 they will notify the County and revert back to annual audit.
Hazard/Hunt 5-0

COUNTY COUNSEL

Additional Departments: CAO; Risk Management

- 8a) Claim for Damages (**Marshall Rudolph**) - Consider Claim For Damages presented on or about June 4, 2008, by Ricardo Covarrubias.
- M08-140 **Action:** Reject the Claim for Damages presented on or about June 4, 2008 by Ricardo Covarrubias and direct County Counsel to notify Claimant of the Board's action.
Reid/Farnetti 5-0

Additional Departments: Public Works

- 8b) Proposed Hilton Creek North Entry Traffic Island Improvement

Agreement (**Marshall Rudolph, Kelly Garcia**) - Consider and potentially approve County entry into proposed Hilton Creek North Entry Traffic Island Improvement Agreement with the Hilton Creek Community Services District, and authorize the Board Chair to execute said contract on behalf of the County. Provide direction to staff.

Would authorize the Hilton Creek Community Services District to install and maintain certain landscape improvements in a traffic island on Crowley Lake Drive, near the Sheriff's substation. Irrigation is addressed and it is clear that water/irrigation is not provided. County would be held harmless if any lawsuits, etc. result from the District's activities with respect to this improvement. The County would likewise hold the District harmless from lawsuits, etc. not resulting from the District's activities. The improvements would become County property and, as such, would be covered by the County's existing property and liability insurance. County Risk Management has been consulted regarding the Agreement.

M08-141 **Action:** Approve County entry into proposed agreement. Authorize the Board Chair to sign said agreement on behalf of the County.
Hazard/Hunt 5-0

ELECTIONS

9a) Election Statement of Votes (**Lynda Roberts**) - Statement of Votes, June 3, 2008, Statewide Direct Primary

M08-142 **Action:** Receive and approve as correct the Statement of Votes cast in the Statewide Direct Primary Election held June 3, 2008, and declare elected those offices under their jurisdiction for this election, and declare passed or failed those measures under their jurisdiction for this election, according to the number of votes for each as shown on the Statement of Votes.
Reid/Hazard 4-0 Abstain: Bauer

2:40 p.m. Board of Supervisors adjourned their regular meeting of July 1, 2008 at the hour of 2:40 p.m. and will reconvene in regular session on Tuesday, July 8, 2008, at the hour of 9:00 a.m. in the County Courthouse, Bridgeport, California